

B O I E S , S C H I L L E R & F L E X N E R L L P

575 LEXINGTON AVENUE • 7th FLOOR • NEW YORK, NY 10022 • PH. 212-446-2300 • FAX 212-446-2350

MATTHEW L. SCHWARTZ
Tel.: (212) 303-3646
E-mail: mlschwartz@bsfllp.com

November 12, 2015

VIA ECF

Hon. Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square, Room 2102
New York, New York 10007

**Re: CF 135 Flat LLC et al. v. Triadou SPV S.A., et al.,
No. 15 Civ. 5345 (AJN) (SN)**

Dear Judge Nathan:

We represent the City of Almaty and BTA Bank. We are pleased to report that our clients have reached a settlement with counterclaim defendants Joseph Chetrit, the Chetrit Group LLC, CF 135 Flat LLC, CF 135 West Member LLC, and 227 East 19th Holder LLC (the “Chetrit Entities”).

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may voluntarily dismiss an action prior to the filing of a responsive pleading upon notice, without need for a court order. And under Rule 41(c)(1), a counterclaim plaintiff may do the same. In this case, Almaty and BTA Bank filed an answer to the interpleader complaint and cross- and counterclaims on October 12, 2015 (ECF No. 49), and no party has yet filed a responsive pleading. Accordingly, enclosed please find a notice of voluntarily dismissal of our clients’ counterclaims against the Chetrit Entities.

To be clear, Almaty and BTA Bank intend to pursue their claims to the interpleaded fund, as well as their crossclaims against Mukhtar Ablyazov, Viktor Khrapunov, Ilyas Khrapunov, and Triadou SPV S.A. Indeed, as part of today’s settlement, the Chetrit Entities have agreed to cooperate in our clients’ prosecution of those claims. Accordingly, this dismissal does not meaningfully affect any of the pending motion practice.

Respectfully,

/s/ Matthew L. Schwartz

Matthew L. Schwartz
Randall W. Jackson